

Comhairle Chontae Atha Cliath Theas

PR/0153/23

Record of Executive Business and Chief Executive's Order

Re: Amendment under Section 146A of the Planning and Development Act 2000 (as amended) – Register Reference SDZ22A/0005.

Planning permission was applied for under Register Reference **SDZ22A/0005** for the following:

Phase Three of the Adamstown District Centre and consists of 37,402sq.m (gross floor area including car parking and storage) of residential development to be constructed in 3 blocks ranging in height from 2 to 9 storeys; There is a total of 436 apartments, comprising 9 studio apartments, 204 one bedroom apartments, 213 two bedroom apartments and 10 three bedroom apartment; An ancillary resident's pavilion building (2 storey) is linked to Block D, ancillary resident's amenity rooms and facilities are also provided at ground floor level of Block A; All apartments are provided with private open space in the form of balconies or gardens; The proposed block description is as follows: Block A (c. 11,821sq.m gross floor area): 4 - 5 storeys in height, with a total of 143 apartments (70 one bedroom apartments, 67 two bedroom 4 person apartments and 6 no. 3-bedroom apartments); A resident's only podium level, courtyard is provided within Block A; Ancillary plant, storage, waste, and internal bicycle parking rooms provided at ground floor level; Block C (c. 9,680sq.m gross floor area): 4 - 9 storeys in height, with a total of 124 apartments {60 one bedroom apartments, 5 two bedroom 3 person apartments, 55 two bedroom 4 person apartments and 4 three bedroom apartments). Communal open space is provided within 2 parcels of land to the east of Block C between Block C and Block D. Ancillary plant, waste and internal bicycle parking rooms provided at ground floor level; Block D (c.12,757sq.m gross floor area): 2 - 5 storeys in height, together with linked ancillary resident's pavilion building (2 storey). Block D comprises a total of 169 apartments (9 studio apartments, 74 one bedroom apartments, 11 two bedroom 3 person apartments, and 75 two bedroom 4 person apartments); Communal open space is provided within 2 parcels of land within Block D; Ancillary plant, amenity rooms and internal bicycle parking rooms provided at ground floor level. Ancillary plant, waste and internal bicycle parking rooms provided at ground floor level; on lands generally bounded by Adamstown Avenue to the north, to the east by undeveloped lands which benefit from planning permission Reg. Ref. SDZ20A/0008 (as amended by SDZ20A/0016, SDZ20A/0018 and SDZ21A/0017), to the south by Station Road, the railway line and train station and to the west by the railway overpass and its approach road, known locally as the farmer's bridge.

Permission was granted for this development. However, the total number of units permitted was reduced to 434 units following the receipt of Additional Information.

Comhairle Chontae Atha Cliath Theas

PR/0153/23

Record of Executive Business and Chief Executive's Order

The condition relating to the Bond related to 436 units but must be amended to take account of the fact that the number of units permitted was reduced to 434 units following the receipt of Additional Information.

The revised bond calculation is as follows:

ASSESSMENT OF SECURITY BONDS 2022

Dwellings	NO OF UNIT	CASH	BOND
1-20	0	€6,994	€8,043
21-50	0	€4,896	€5,630
51+	0	€2,798	€3,217
TOTAL DWELLING	0	€0.00	€0.00
Apartments	NO OF UNIT	CASH	BOND
1-20	20	€4,969	€5,715
21-50	30	€3,478	€4,000
51+	384	€1,988	€2,286
TOTAL DWELLING	434	€971,088.00	€1,116,696.00
TOTAL SECURITY CALCULATION		€967,112.00	€1,112,124.00

Comhairle Chontae Atha Cliath Theas

PR/0153/23

Record of Executive Business and Chief Executive's Order

The calculation of the Development Contribution to be levied must also be amended to take into consideration the reduced number of units for which permission has been granted. The revised development contribution calculation is as follows:

Development Contributions

Planning Reference Number	SDZ22A/0005
Summary of permission granted & relevant notes:	434 apartments and residential amenities
Are any exemptions applicable?	No
If yes, please specify:	
Is development commercial or residential?	Residential
Standard rate applicable to development:	104.49
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€104.49
Area of Development (m2)	27,898.7
Amount of Floor area, if any, exempt (m2)	
Total area to which development contribution applies (m2)	27,898.7
Total development contribution due	€2,915,135.16

Under Section 146A of the Planning & Development Act, 2000 (as amended), a planning authority may amend a planning permission granted by it for the purposes of –

- (i) Correcting any clerical error therein,
- (ii) facilitating the doing of anything pursuant to the permission or decision where the doing of that thing may reasonably be regarded as having been contemplated by a particular provision of the permission or decision or the terms of the permission or decision taken as a whole, but which was not expressly provided for in the permission or decision, or
- (iii) otherwise facilitating the operation of the permission or decision.'

It is recommended that no development shall be commenced until (A) Lodgement of a cash deposit of €967,112.00 (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index), to be retained by South Dublin County Council and applied by South Dublin County Council at its absolute discretion, if roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development are not duly provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), or

Comhairle Chontae Atha Cliath Theas

PR/0153/23

Record of Executive Business and Chief Executive's Order

(B) By lodgement with South Dublin County Council of an approved Insurance Company Bond or a Bond of any Body approved by the Planning Authority in the sum of **€1,112,124** (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index) which shall be kept in force until such time as the roads, open spaces, car parks, sewers, watermains, drains and other public services required in connection with the development are provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Council's Taking in Charge Policy).

The bond shall be coupled with an agreement empowering South Dublin County Council to apply such sum or part thereof of said bond to the satisfactory completion of publicly accessible services in the development. This is to ensure that a ready sanction may be available to South Dublin County Council to induce the provision of public services and safeguard amenity in the development.

It is also recommended that condition relating to the financial contribution is amended as follows:

Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €2,915,135.16 (two million, nine hundred and fifteen thousand, one hundred and thirty five euro and sixteen cent), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

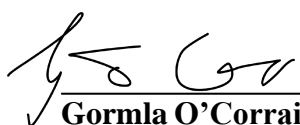
NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.

Comhairle Chontae Atha Cliath Theas

PR/0153/23

Record of Executive Business and Chief Executive's Order

And that the subject permission be amended accordingly pursuant to s. 146A(1)(iii) to facilitate the operation of the permission and without any material alterations to how the development will be expressed on-site.



Gormla O'Corrain,
Senior Planner

ORDER: That that no development shall be commenced until (A) Lodgement of a cash deposit of €967,112.00 (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index), to be retained by South Dublin County Council and applied by South Dublin County Council at its absolute discretion, if roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development are not duly provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), or (B) By lodgement with South Dublin County Council of an approved Insurance Company Bond or a Bond of any Body approved by the Planning Authority in the sum of €1,112,124 (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index) which shall be kept in force until such time as the roads, open spaces, car parks, sewers, watermains, drains and other public services required in connection with the development are provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Council's Taking in Charge Policy). The bond shall be coupled with an agreement empowering South Dublin County Council to apply such sum or part thereof of said bond to the satisfactory completion of publicly accessible services in the development. This is to ensure that a ready sanction may be available to South Dublin County Council to induce the provision of public services and safeguard amenity in the development.

And that the developer shall pay to the Planning Authority a financial contribution of €2,915,135.16 (two million, nine hundred and fifteen thousand, one hundred and thirty five euro and sixteen cent), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

Comhairle Chontae Atha Cliath Theas

PR/0153/23

Record of Executive Business and Chief Executive's Order

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.

And that the subject permission be amended accordingly pursuant to s. 146A(1)(iii) to facilitate the operation of the permission and without any material alterations to how the development will be expressed on-site.

Date: 13 Feb 2023



Mick Mulhern
**Director of Planning, Land Use and
Transportation**